

1fw 3738

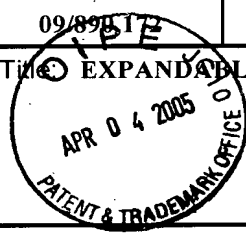
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
110/02239

In Re Application Of: **Oren GLOBERMAN et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/898,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

EXPANDABLE INTERVERTEBRAL SPACER



Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

OR

☐ the fee set forth in 37 CFR 1.17(p).

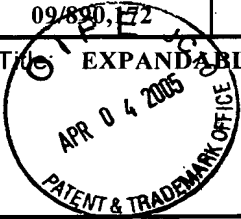
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09/890,172	July 25, 2001	PREBILIC, P. B.	44909	3738	7714

TITLE EXPANDABLE INTERVERTEBRAL SPACER



Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Dated: March 1, 2005


Maier FENSTER, Reg. No. 41,016

William H. Dippert, Esq.
Reed Smith LLP
599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

SEVENTH SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Hon. Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP §2001.06, MPEP §1893.03(e) and §MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

Applicants wish to point out that the items 1 – 32 listed on the 1449 form submitted herewith, were all cited in the US Patent 6,676,665 to Foley, et al. Applicants further point out that the claims from the 6,676,665 patent were added to the present application in an earlier submission in order to secure applicant's rights under 35 U.S.C. 135(b), and which are being cancelled in the amendment filed concurrently with the present IDS.

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated there between; if no such English language equivalent is cited then none is known to the undersigned.

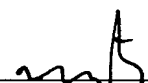
110/02239

In accordance with MPEP §609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached (or prior) PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
Oren GLOBERMAN, et al.




Maier FENSTER,
Registration No. 41,016

March 1, 2005

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599 Lexington Avenue, 29th Floor
New York, NY 10022-7650

Tel: (212) 521-5400

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) 	ATTY DOCKET NO. 110/02239	SERIAL NO. 09/890,172
	APPLICANT(S) Oren GLOBERMAN et al.	
	FILING July 25, 2001	GROUP 3738

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	1.	817,973	17 Apr 1906	HAUSMANN, C. F.			
	2.	4,204,531	27 May 1980	AGINSKY, Y.			
	3.	4,854,312	8 Aug 1989	RAFTOPOULOS, D et al			
	4.	4,995,868	26 Feb 1991	BRAZIER, G.			
	5.	5,074,871	24 Dec 1991	GROSHONG, L.			

U.S. PATENT APPLICATION PUBLICATIONS


EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	6.	2002/0072768	13 Jun 2002	GINN, R.			

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION	
							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	7.	5,390,683	21 Feb 1995	PISHARODI, M.			
	8.	5,423,850	13 Jun 1995	BERGER, J.			
	9.	5,480,400	2 Jan 1996	BERGER, J.			
	10.	5,554,101	10 Sep 1996	MATULA, P. et al			
	11.	5,637,097	10 Jun 1997	YOON, I.			

U.S. PATENT APPLICATION PUBLICATIONS


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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	12.	5,685,826	11 Nov 1997	BONUTTI, P.			
	13.	5,690,606	25 Nov 1997	SLOTMAN, G.			
	14.	5,707,390	13 Jan 1998	BONUTTI, P.			
	15.	5,755,732	26 May 1998	GREEN, D. , et al			
	16.	5,782,713	21 Jul 1998	YANG, S.			

U.S. PATENT APPLICATION PUBLICATIONS

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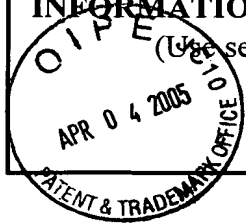
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	17.	5,782,747	21 Jul 1998	ZIMMON, D.			
	18.	5,785,647	28 Jul 1998	TOMPKINS, C., et al			
	19.	5,865,802	2 Feb 1999	YOON, I., et al			
	20.	5,882,340	16 Mar 1999	YOON, I., et al			
	21.	5,972,015	26 Oct 1999	SCRIBNER, R., et al			

U.S. PATENT APPLICATION PUBLICATIONS

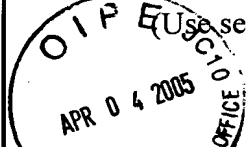
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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	22.	6,039,761	21 Mar 2000	LI, L., et al			
	23.	6,127,597	3 Oct 2000	BEYAR, M., et al			
	24.	6,146,401	14 Nov 2000	YOON, I., et al			
	25.	6,149,664	21 Nov 2000	KURZ, D.			
	26.	6,187,015	13 Feb 2001	BRENNEMAN, R.			

U.S. PATENT APPLICATION PUBLICATIONS


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	27.	6,190,381	20 Feb 2001	OLSEN, P., et al			
	28.	6,214,016	10 Apr 2001	WILLIAMS, T., et al			
	29.	6,228,068	8 May 2001	YOON, I.			
	30.	6,228,082	8 May 2001	BAKER, M., et al			
	31.	6,325,812	4 Dec 2001	DUBRUL, W., et al			

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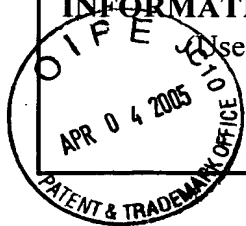
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	Filing date if appropriate
	32.	5,752,969	19 May 1998	CUNCI, O., et al			

U.S. PATENT APPLICATION PUBLICATIONS

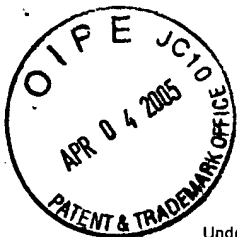
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Applicant: Oren Globerman, et al.
Serial No: 09/890,172
Filing Date: July 25, 2001
For: Expandable Intervertebral Spacer
Enclosures: (1) Transmittal of Information Disclosure Statement (3 pages); (2) Seventh Supplemental Information Disclosure Statement (2 pages); (3) IDS Citation (7 pages) w/thirty-two references; (4) Acknowledgement Postcard.

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